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Sen. Brown's bills to prevent spyware installation passed by Senate

LANSING – Legislation making it a crime to install software that tracks Internet users' activity without their consent was overwhelmingly passed by the Senate Wednesday, announced state Sen. Cameron S. Brown, R-Fawn River Township.

If signed into law, Senate Bills 53, 54 and 151, sponsored by Brown, would protect consumers from unwelcome spyware installation, which can monitor online activity without the user's knowledge or consent.

"Personal privacy rights have been violated on the Internet, and this anti-spyware legislation will help put a stop to that," Brown said. "People should be able to log onto the Internet and not have their privacy violated." Brown's legislation applies to both home and business computers.

Spyware can diminish the performance and stability of computer systems, and may even cause computers to crash. So far two states, California and Utah, have passed laws restricting spyware installation. Seventeen other states have legislation pending.

A survey conducted by Internet service provider America Online found that 80 percent of home computers are infected with some form of spyware.

Knute Judsen, the chief executive officer at ZCSS.com of Three Rivers, recently testified before the Senate Technology and Energy Committee stating, "Although many IT professionals fear any regulation of the Internet, something must be done. We need to establish a benchmark to outline what is unacceptable."

"The cost to businesses and consumers from spyware installation is huge," Brown said. "Just the other day I received an e-mail from a staff administrator at a large hospital on the east side of the state. He said a hospital his size could spend upwards of \$150,000 a year on anti-spyware software. He went on to say this is money not spent on the sick and uninsured. We need to reverse that trend. Spyware installation not only violates someone's personal privacy, it's outright theft."

(More)

If signed into law, SB 54 would not only prohibit individuals from installing or attempting to install spyware into another person's computer, computer system or network, it would also prohibit individuals from manufacturing, selling or possessing spyware with the intent to violate the act.

Violators could face fines up to \$10,000 and imprisonment for up to five years.

The three-bill package would allow for spyware victims to bring civil action and would allow the Michigan Attorney General's office or local prosecutor to also file criminal charges.

Federal lawmakers are currently advancing similar legislation in the United States Congress.

SBs 53, 54 and 151 will now go to the House of Representatives for consideration.

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Audio remarks from Brown are available for download from the Audiowire web site at:
<http://www.senate.michigan.gov/gop/audiowire/brown/index.htm>